

Addendum

**State Water Resources Control Board
Addendum to Task Force Reports
October 24, 1995. Afternoon Session**

The task forces met and identified inconsistencies between the various task force reports. The following items were identified and discussed:

I. Chemical-Specific Objectives Task Force

- The Chemical-Specific Task Force clarified that when they suggested that the State should use risk levels of 10^{-5} and 10^{-6} for carcinogens in *recommendation 2, page 3* of their report that this is not inconsistent with the Effluent-Dependent Water Bodies Task Force's suggested option of using 10^{-4} and 10^{-5} in *number 9 on page 10* of the Effluent-Dependent Water Bodies Task Force Report. The Effluent-Dependent Water Bodies Task Force was addressing a more specialized case and the Chemical-Specific Objectives Task Force was intending their recommendation for a more general statewide application.
- The Chemical-Specific Objectives Task Force clarified that the analysis in *Appendix 2* of the Effluent-Dependent Water Bodies Task Force Report was not reviewed and approved by the entire task force.

II. Site-Specific Objectives Task Force

- The Chemical-Specific Objectives Task Force Report rationale for *recommendation 1, page 2* includes language similar, but not identical, to that suggested by the Site-Specific Objectives Task Force in their *Proposed Language, number 3, page 1* regarding the development of site-specific objectives by the Regional Boards. It was clarified that the Chemical-Specific Objectives Task Force recommendations were intended to be general in nature and to defer to the Site-Specific Objectives Task Force on specifics.
- A question was raised as to whether the Site-Specific Objectives Task Force intended their recommendations to apply to toxicity objectives as well as chemical-specific objectives. This differentiation had not been discussed by the task force and was not able to be resolved at this meeting.

III. Toxicity Objectives Task Force

- The Permitting and Compliance Issues Task Force Report refers to whole effluent toxicity testing on *page 18, second bullet* and in *section 2 (d)*. It was clarified during the meeting that "aquatic toxicity testing" is a more accurate term than "whole effluent toxicity testing." It was suggested that *page 18, second bullet*, and *2(d)* should be deleted from the Permitting Task Force Report.
- The Toxicity Objectives Task Force clarified that support for *Recommendation #10A - Narrative Objective, page 15* in the Toxicity Objectives Task Force Report should include support by Regional Boards.

IV. Agricultural Waters Task Force

- The narrative objectives identified by the Agricultural Waters Task Force Report (*Recommendation # 1, page 28*) and the Toxicity Task Force Report (*Recommendation # 10, page 15 - Narrative Objective*) are differentiated by the use of the terms "lethal" and "detrimental." In addition, the Agricultural Waters Task Force Report addresses seasonal variations, and acute and chronic toxicity. The Toxicity Task Force clarified that they had attempted to build this flexibility into their implementation recommendations and felt that the recommendations suggested by the Agricultural Waters Task Force agreed in intent with what was suggested by the Toxicity Task Force.
- Effluent-Dependent Waters Task Force Report definition of effluent-dependent water body in *Section 1.4, Option 1, on page 3*, could be construed to include agricultural water. After discussion, it was concluded that, depending upon which definitions are selected by the State Board, it may be necessary for the State Board to reconcile the different definitions of an effluent-dependent water body offered by the Effluent-Dependent Waters Task Force and the recommendations of the Agricultural Waters Task Force.
- Site-Specific Objectives Task Force Report (*page 5 of Proposed Language, in the "Statement in Support of Proposed Plan Language Establishing "Triggers" for Proceeding with Site-Specific Objectives Studies"*) suggests that the establishment of categorical water quality objectives for special types of waters would reduce the demand for site-specific objective studies. Through discussion it was clarified that the establishment of categorical water bodies with new beneficial use designations would require categorical objective studies. These studies, if necessary, should be carried out at the State Board level rather than the Regional Board level, and would reduce the need for development of numerous site-specific objectives.
- Regarding the Chemical-Specific Objectives Task Force Report (*recommendation number 12, rationale, page 16, "Numeric Criteria for Aquatic Life"*), the Agricultural Waters Task Force felt that the rationale did not explain why or how the recommendation was being made and should be labeled as an "Option" rather than as "Rationale." Members of the Chemical-Specific Objectives Task Force had no objection to this suggestion.
- The definition of mixing zones in the Permitting and Compliance Issues Task Force Report (*section IV (C), page 26*) and the Toxicity Task Force Report (*recommendation #8, page 11*) should be reconciled with the definitions in the Agricultural Waters Task Force Report (*option 3, page 32*).
- The Agricultural Waters Task Force also noted that the Permitting and Compliance Issues Task Force did a better job of identifying that small dischargers would need funding for site-specific objectives; this was not covered in the Site-Specific Objectives Task Force Report.

V. Effluent-Dependent Water Bodies Task Force

- The Effluent-Dependent Water Bodies Task Force decided to delete *Appendix 2* from their report. Reference to this Appendix should be deleted from the table of contents, changing

Appendix 3 to Appendix 2. On page 9 of their report, the last sentence of the first full paragraph should be deleted. All other references to *Appendix 2* should be deleted and all references to *Appendix 3* should be changed to *Appendix 2*.

VI. Permitting and Compliance Issues Task Force

- Inconsistency was noted between the reports of Permitting and Compliance Issues Task Force and the Chemical-Specific Objectives Task Force in the respective sections addressing detection limits:

The Chemical-Specific Objectives Task Force recommends computing statewide detection limits using statewide laboratory data (*page 15 in section 11, "Detection Limits for Reporting Data"*).

The Permitting and Compliance Issues Task Force recommends that detection limits be based upon matrix specific inter-laboratory testing using 40CFR136 approved test methods or, where test data is not available to determine matrix specific inter-laboratory detection limits, that dischargers be given the opportunity to develop the detection limits. Alternately, where this is not feasible, default values shall be defined (*page 39 in section VII (A) (3)(a), "Detection limit and quantification limit definitions"*).

Members present from the Chemical-Specific Objectives Task Force explained that their section addressing detection limits was not intended to prevent the development or use of matrix specific detection limits or default values. Rather, the Chemical-Specific Objectives Task Force recommends that the State Water Resources Control Board (State Board) continue to meet with stakeholders to develop guidance and methodology for defining detection limits, including the development or use of matrix specific detection limits or default values.

- Inconsistency was noted between the reports of Permitting and Compliance Issues Task Force and the Site-Specific Objectives Task Force in the respective sections addressing placing effluent limits in permits while a site-specific objective study is in progress:

The Site-Specific Objectives Task Force recommends that during the period where site-specific objective studies are being conducted, the Regional Boards shall place effluent limitations based upon the statewide water quality objectives into NPDES permits and waste discharge requirements only in conjunction with an appropriate compliance schedule (*page 3 in section 7, "Proposed Language"*).

The Permitting and Compliance Issues Task Force recommends that during the period where a site-specific objectives study is being conducted, no final water quality-based effluent limitations shall be placed in permits unless the deadline for compliance falls within the permit term or the final effluent limitation has been developed and is achievable within the term of the permit (*page 21-25 in section IV, "Interim Permit Requirements"*).

Members present from the Site-Specific Objectives Task Force clarified that their section was not intended to be more restrictive than the Permitting and Compliance Issues Task Force's section, i.e., they would defer to the recommendation of the Permitting and Compliance Issues

Task Force regarding placing effluent limits in permits while a site-specific objective study is in progress.

VII. Watershed Task Force

- The Agricultural Waters Task Force Report (*page 33, Implementation, Recommendation #1: Goals*) refers to the involvement of stakeholders in an approach to implementation using a watershed philosophy. The Watershed Task Force suggested that the definition of "stakeholder," Watershed Task Force Report (*page 8*), is more complete. The Watershed Task Force also suggested that stakeholders should be included in the earliest stages of watershed management.
- The Watershed Task Force suggested that it would prefer the Permitting and Compliance Issues and Site-Specific Objectives task force reports to include more recognition of watershed management and to urge participation in watershed management before pursuing other options. The two task forces clarified their inclusion of watershed management in their reports. (*Permitting and Compliance Issues - Section III, A, p. 4; Site-Specific Objectives - Decision Tree Narrative Discussion, Item 8, page 3*).
- The Watershed Task Force clarified that they had chosen not to use the terminology "TMDL" in their report as the term has become so loaded with regulatory meaning and intent. They have chosen to adopt different terminology to accomplish the intent of TMDL - "allocation of responsibility." This definition appears on page 8 of the Watershed Task Force Report.

VIII. Economic Considerations Task Force

- The Economic Considerations Task Force sought clarification regarding economic terms used in task force reports. The terms, such as "economic impact," have specific meanings for economists. Task force reports use these terms without necessarily intending the specific meanings associated with the words when used by economists. An example is the Chemical-Specific Objectives Task Force Report, *recommendation 2, rationale B, page 3* which includes the phrase "...to meet their legal obligations to review economic impacts..." It was clarified that "economic considerations" would more accurately reflect the intent of the Chemical-Specific Objectives Task Force.
- The Chemical-Specific Objectives Task Force used risk levels of 10^{-5} and 10^{-6} in *recommendation 2, page 3* of their report. It was clarified that these risk levels were not intended to be limits or bounds, but that the State should consider at least 10^{-5} and 10^{-6} in their analyses.